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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRISTIAN HERNANDEZ-CARDENAS,  
aka "Cristian Hernandez Cardenas,"  
aka "Cristian Cardenas-Hernandez,"  
aka "Cristian Hernandez,"  
aka "Cristian Cardenas,"  
aka "Cristian Cardenas Hernandez,"  
aka "Jesus Haro Chavez,"

Defendant.

Case No. 2:21-mj-00944-DJA

**ORDER to Extend  
Deadlines to Conduct  
Preliminary Hearing and  
File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Jared L. Grimmer, Assistant United States Attorney, counsel for the United States of America, and Rebecca A. Levy, Assistant Federal Public Defender, counsel for Defendant CRISTIAN HERNANDEZ-CARDENAS, that the Court schedule the preliminary hearing in this case for no earlier than 90 days from the date of the filing of this stipulation. This request requires that the

1 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of  
2 a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an  
3 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C.  
4 § 3161(b).

5 This stipulation is entered into for the following reasons:

6 1. The United States Attorney's Office has developed an early disposition  
7 program for immigration cases, authorized by the Attorney General pursuant to the  
8 PROTECT ACT of 2003, Pub. L. 108-21.

9 2. The early disposition program for immigration cases is designed to: (1)  
10 reduce the number of hearings required in order to dispose of a criminal case; (2) avoid  
11 having more cases added to the court's trial calendar, while still discharging the  
12 government's duty to prosecute federal crimes; (3) reduce the amount of time between  
13 complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar  
14 to seek indictments in immigration cases, which in turn reduces court costs.

15 3. The government has made a plea offer in this case that requires defendant to  
16 waive specific rights and hearings in exchange for "fast-track" downward departure under  
17 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is  
18 indicted and before a preliminary hearing is held.

19 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
20 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
21 appearance if the defendant is in custody . . . ."

22 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
23 showing of good cause—taking into account the public interest in the prompt disposition of  
24

1 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
2 times . . . .”

3 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
4 information or indictment charging an individual with the commission of an offense shall  
5 be filed within thirty days from the date on which such individual was arrested or served  
6 with a summons in connection with such charges.”

7 7. Defendant needs additional time to review the discovery and investigate  
8 potential defenses to make an informed decision as to how to proceed, including whether  
9 to accept the fast-track plea agreement.

10 8. Accordingly, the parties jointly request that the Court schedule the  
11 preliminary hearing in this case no sooner than 90 days from today’s date.

12 9. Defendant is in custody and agrees to the extension of the 14-day deadline  
13 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
14 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
15 pursuant to this stipulation .

16 10. The parties agree to the extension of that deadline.

17 11. This extension supports the public interest in the prompt disposition of  
18 criminal cases by permitting defendant to consider entering into a plea agreement under the  
19 United States Attorney’s Office’s fast-track program for § 1326 defendants.

20 12. Accordingly, the additional time requested by this stipulation is allowed  
21 under Federal Rule of Criminal Procedure 5.1(d).

22 13. In addition, the parties stipulate and agree that the time between today and  
23 the scheduled preliminary hearing is excludable in computing the time within which the  
24 defendant must be indicted and the trial herein must commence pursuant to the Speedy

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.  
2 § 3161(h)(7)(B)(i) and (iv).

3 14. This is the first request for an extension of the deadlines by which to conduct  
4 the preliminary hearing and to file an indictment.

5 DATED this 8th day of November, 2021.

6 Respectfully Submitted,

7 RENE L. VALLADARES  
8 Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

9 /s/ Rebecca A. Levy  
10 REBECCA A. LEVY  
11 Assistant Federal Public Defender  
Counsel for Defendant CRISTIAN  
HERNANDEZ-CARDENAS

/s/ Jared L. Grimmer  
JARED L. GRIMMER  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CRISTIAN HERNANDEZ-CARDENAS,

7 aka "Cristian Hernandez Cardenas,"

8 aka "Cristian Cardenas-Hernandez,"

9 aka "Cristian Hernandez,"

10 aka "Cristian Cardenas,"

11 aka "Cristian Cardenas Hernandez,"

12 aka "Jesus Haro Chavez,"

13 Defendant.

Case No. 2:21-mj-00944-DJA

ORDER on Stipulation  
to Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment

14 Based on the stipulation of counsel, good cause appearing, and the best interest of  
15 justice being served; the time requested by this stipulation being excludable in computing  
16 the time within which the defendant must be indicted and the trial herein must commence  
17 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of  
18 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

19 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled  
20 on November 22, 2021 at the hour of 4:00 p.m., be vacated and continued to  
21 February 14, 2022, at 4:00 p.m., Courtroom 3A.

22 DATED this 9th day of November, 2021.



23 HONORABLE DANIEL J. ALBREGTS  
24 UNITED STATES MAGISTRATE JUDGE